

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

**JOHN DOE #1, JOHN DOE #2, JOHN DOE #3,
JOHN DOE #4 and JOHN DOE #5,**

Plaintiffs,

vs.

AFFIDAVIT

**SYRACUSE UNIVERSITY, KENT SYVERUD, individually
and as Chancellor of Syracuse University, PAMELA PETER,
individually and as Assistant Dean of Student Rights and
Affairs and the Director of the Office of Student Rights and
Responsibilities, ROBERT HRADSKY, individually and as
Syracuse University Dean of Students and Associate Vice President
of the Student Experience, TERESA ABI-NADER DAHLBERG,
individually and as the Dean of the College of Engineering and Computer
Science**

Civ. Action No.

5:18-CV-496

Defendants.

STATE OF NEW YORK)
COUNTY OF ONONDAGA) SS:

JOHN DOE # 5, being duly sworn, deposes and says:

1. I am a student enrolled in the College of Engineering at Syracuse University (“the University”). I am an existing member of the Tau chapter of Theta Tau, a national, professional, co-ed engineering fraternity that was, until April 21, 2018, a recognized chapter of Theta Tau (“the Chapter”) on the Syracuse University campus. I make this Affidavit based on my personal knowledge of the facts and circumstances of this action.

2. I adopt fully and incorporate as if fully set forth herein the factual information concerning the present dispute set forth in the accompanying Affidavit of JOHN DOE #1.

**HISTORY OF THETA TAU SHOWS BOTH THE NATIONAL
ORGANIZATION AND THE CHAPTER ARE CO-EDUCATIONAL
AND DIVERSE IN THEIR MEMBERSHIP**

3. Theta Tau is the oldest and largest co-educational fraternity devoted to engineers. Since 1977, Theta Tau has been co-educational. Nationwide, two-thirds of Theta Tau

members are male and one-third are female which is drastically more gender balanced compared to national averages for enrollment in engineering schools between men and women.

4. Historically, the Chapter has a record of admitting both male and female members. The appearance of our sister sorority, Alpha Omega Epsilon, an all-female engineering fraternity, on campus several years ago reduced the number of female students who sought membership with the Chapter.

5. The fraternity's guiding principle is to encourage a culture of fraternal bonds that creates lifelong relationships built on mutual respect and professionalism while also helping members balance social, service, and professional activities. Theta Tau fosters honest, ethical, dependable, trustworthy future engineers who are respectful of themselves and others.

6. In addition to promoting co-educational membership, Theta Tau prides itself on its racial, ethnic and religious diversity, which helps foster diversity in the engineering profession. The fraternity's members hail from all over the United States and around the world. Theta Tau's divergent membership of men and women from countless ethnic, racial and religious backgrounds study engineering at more than 94 chapters and colonies at some of the most prestigious schools in the country. The mission of Theta Tau is to develop engineering leaders for Service, Profession, and Brotherhood.

7. Prior to April 21, 2018, the Chapter had forty-eight existing members and a group of sixteen new members. Consistent with Theta Tau's national principles, the Chapter includes twenty-eight "diverse" members, or 44% of its entire membership. The Chapter's racial, ethnic and religious demographics along with its co-ed status make it two times more diverse than the College of Engineering & Computer Science at the University. The Chapter includes foreign nationals, African Americans, Asian Americans, Indian Americans, and Central European Americans. The Chapter also includes, amongst others, members of Christian, Protestant, Jewish and Hindu faiths. The Chapter also welcomes agnostic and non-religious members.

**THE UNIVERSITY IS NOT ONLY TAKING ACTIVE STEPS TO
SUSPEND OR EXPEL US, THEY ARE UNLAWFULLY PREVENTING US
FROM ATTENDING CLASS AND GETTING THE BENEFIT OF OUR
EDUCATION DURING THE DISCIPLINARY PROCESS**

8. I was one of the eighteen Chapter members on whom the University served Code of Conduct violations on April 21, 2018. Since April 22, 2018, I have not been permitted to attend class, labs or academic events. While the University said "academic arrangements" would be made on our behalf, the University has yet to advise me of what those arrangements will be. I am in danger of losing all or some of my academic credits this semester if I cannot properly prepare for and take my exams.

9. As a further matter, I have been working as a research assistant for a professor in the College of Engineering who has advised me that he may terminate my position based on the video controversy. I heard from a member that a faculty member in the College of Engineering said "if the University does not discipline these students, we as faculty have to." One of the members also told me he overheard this faculty member ask a recent alumni for a "list of current members" of the Chapter for his records.

10. I have attempted in vain to reach out to the Dean Hradsky in the Division of Enrollment and the Student Experience and the Office of Academic Affairs to get information about my academic status which, as noted by JOHN DOE # 1, is ambiguous. As of yesterday afternoon, these two administrative offices simply continued to refer me back and forth and to various individuals within the respective offices who did not ever return calls or emails. Meanwhile, I have been deprived of my ability to prepare properly for finals, attend study groups, meetings with instructors or work in my research position.

11. I finally received a phone call from Jeffrey Stanton, Associate Provost for Academic Affairs late yesterday regarding our "quasi suspension" from classes and academic activity. The purpose of the call was for him to confirm I attended class yesterday morning, on the first day of our "quasi suspension." According to Stanton, our professors have been officially

notified of our status. However, I explained that we had yet to be sent any information regarding the nature or duration of the "suspension" and my professor had not reach out to me. Out of caution for preserving my academic standing in the class, I attended.

12. Stanton said "Okay, if you attend another class you will be placed on interim suspension." I then asked if we were not yet on "interim suspension," what kind of suspension had we been placed in. Stanton said he did not know. I asked why we were suspended, and he said he did not know. I asked who did know, and he said he did not know. I told him it was unacceptable that the University is playing games and purposely causing confusion by referring us to 3 or 4 offices before an answer can be reached, if at all. He said he would ask his supervisor the next day (today). I have since learned from other members that this suspension will be in effect for the remainder of the semester which effectively prevents me from properly preparing for or taking my exams and starting my summer internship.

13. Notably, the Code of Student Conduct only details "interim suspensions" which Stanton clarified is *not our status* right now. During this phone interview, not only was I yelled at by Stanton, but he also refused to answer any of my questions. Later, I went to OSSR to try and find out about the suspension and was also met with confusion. OSSR could only give me information about interim suspension as outlined in the Conduct Handbook, but I have been told we are not on interim suspension. Apparently, *no one in the entire University knows what type of suspension we have been placed on* except Pam Peters who left the OSSR long before 5 pm without answering my calls or emails.

THE UNIVERSITY HAS FAILED TO FOLLOW ITS OWN RULES IN CONDUCTING THE CONDUCT/DISCIPLINARY PROCESS

14. Yesterday, I met with a representative named Christopher Burke at Student Legal Services. He advised me that we are entitled to "Case files" from the Office of Student Rights and Responsibility ("OSRR") that detail what evidence they have to charge us.

15. Burke advised me that the conduct process begins with an informal meeting for each individual to see if an "agreement" can be reached regarding which charges can be admitted and an appropriate punishment. If there is no agreement, the student can request a formal hearing that will be judged "randomly" by either 3 faculty members or 5 students. So far, I have heard from three of our new members who have already had their informal hearings that both were offered permanent suspension as a punishment by Pamela Peters, the student conduct case manager.

16. None of these new members were afforded the opportunity to review their conduct file or consult with a university volunteer or employee to assist and advise during the initial meeting. When I visited Student Services, I was told there was no way to get any voluntary faculty to advise us this quickly for any of our initial meetings. I then asked if our meetings with OSRR be moved. My request was denied. Student Services did inform me that any punishment by OSRR will likely impact my financial aid at the University.

17. We have all requested our conduct files but OSSR has advised each one of us that we won't have access to the files in the coming weeks, all while the critical stages of the conduct/disciplinary process are underway. OSSR told us they have up to 45 days to provide the files, even though this is a right of notice and discovery offered to each of us for the informal OSRR meetings. The University is deliberately relying on its procedural window of 45 days to prevent us from having access to our case files in advance of our initial meetings and any disciplinary hearings that follow. I also asked OSSR directly if I could move my meeting to accommodate obtaining the case file and my request was again denied.

18. Christopher Burke at Student Legal said they are breaking "every rule in the book which they wrote themselves." He was also confused as to what kind of "suspension" the University has us under currently. He said interim suspension is only provided if "the student is a danger to the community" which we are not.

19. Christopher stated that he is often allowed to represent clients in the OSRR meetings as an advisor. He asked Pamela Peters if he could represent us in the meetings. She denied this request.

20. The University's own policy states that the "status of a respondent [charged student] ***will not be changed*** while a case is pending" unless there is evidence that the student poses a threat to the safety and well being of the University community. As noted by JOHN DOE # 1, the only people who have been threatened since the outset of this controversy are members of the Chapter. No member of the Chapter published the offensive language and conduct in the video for public consumption. There is no suggestion, let alone proof, that any member of the Chapter has ever engaged in the parodied conduct or used the offense language as portrayed in the video outside of this ***single incident which occurred in the privacy of our Chapter house with no persons present who were not members.*** The University has no factual basis to assert that we pose a threat to the University community. If anything, it is the other way around. Syracuse University has no basis to prevent us from attending classes, enjoying the benefit of the education we have paid for, and taking actions that will surely cause permanent damage to our reputations and academic futures.

21. The actions of the University in placing me and other members in a quasi suspension state are designed to expedite disciplinary procedures in order to suspend or expel me. I will not recover the loss of the time invested in this very challenging semester of course work or escape the stigma of ultimately being suspended by the University. A preliminary injunction is necessary to prevent the University from following through on its plan for suspension or expulsion before due process and a proper hearing can occur.

22. The University and defendant Administrators have and will continue to endanger my health and safety and the health and safety of Chapter members who are being threatened by fellow students, deprive me of invaluable educational opportunities, irreparably harm and defame

my reputation and character, cause extreme emotional distress and cause permanent, irreparable damage to my academic future.

/s/

JOHN DOE #5

Sworn to & subscribed before me
this 24th day of April, 2018.


Notary Public

DAVID M KATZ
Notary Public, State of New York
No. 02KA6370385
Qualified in Onondaga County
Commission Expires 01/29/2022